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many valuable suggestions with regard to the teaching of science, history and language cannot here be dealt with but reference must be made to the most suggestive lecture "Chiefly on Boarding School Problems."

He seems extremely doubtful of both the intellectual and moral influences of the boarding school. It is interesting to note that he lays special stress upon the difficulty of giving the boys enough time to themselves. "Hours of study are too long—"too few are available for leisure—"Overlong hours develop inattention." He urges the importance of "social studies" and the teaching of ethics and practical religion. "The essence of religious teaching . . . is to get the human being to realize his place in the Universe . . . to feel that he is not a helpless spectator but a competent artisan and co-worker of whom much is required." As he says further "Adolescence is the period we too much neglect," and yet it is the one period in which ethical ideals of life and social service can best be inculcated.

No doubt many will differ from the author upon points of detail and some perhaps with regard to certain general views, but even if it is mainly the fighting interest that is roused the profit will still be on the side of the reader.

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M. MACKENZIE.

LAW AND OPINION IN ENGLAND. By A. V. Dicey, K. C., B. C. L., Vinerian Professor of English in the University of Oxford. MacMillan, London, 1905. 500 Pp.

These lectures afford another proof, if proof were needed, that the law, properly considered, is not the driest but one of the most fascinating of studies. The laws by which a people really lives are the most general expression of its continuous natural life, and illustrate more clearly than anything else the problems about which it had from time to time to take thought and the spirit in which it approached them. It is therefore a matter of most fascinating study to make explicit, as Professor Dicey has done for a single country and a special period, the universally implied relations of law and public opinion.

In the history of England during the nineteenth century Professor Dicey discerns three main periods, each of which may be identified with the predominance of a distinct current of public opinion and legislation. The first of these periods is the period of

old Toryism, beginning really in the middle of the eighteenth century and continuing to about 1830. During the latter part of this period, with which alone the lectures are directly concerned, the legislative quiescence which was the most general characteristic of the whole became asaccentuated into a stage of positive reaction. The Combination Acts of 1799-1800 and the Six Acts of 1819 mark the passage from the complacent optimism of a paternal government to the suspicious terrors of an alarmed aristocracy. The second period is the period of Benthamism or Individualism, placed by Professor Dicey between 1825 and 1870. During this era of utilitarian reform and "philosophical radicalism" the combination Acts were repealed; the sphere of free contract was extended in every way--by the repeal of laws against forestalling and usury, by the Divorce Act 1857, by the sactioning of limited liability; and useless legal barbarities and technicalities were abolished; self-reliant individualism was inculcated by the establishment of the new Poor Law. The third period is the period of collectivism from 1865 to the present time, with its recognition of trade unionism; its enormous development of state and municipal activity; its significant growth of protective legislation for ever-widening classes of workers, and for the community of consumers at large.

The substantial truth of this analysis, suggested as it is by a mass of interesting illustrations and quotations, will hardly be questioned. Yet as Professor Dicey himself points out, the truth is only of the most general character. It is not only that social theories as held by the people at large are seldom very definite or self-consistent; it is rather that, owing to the slow and uncertain spread of opinions in a large community, almost all the main types of social and political theory will at any one time be represented somewhere or other, will form counter-currents or cross-currents of opinion diverting or even reversing the main stream. Of the three systems of thought which have most influenced legal development during the century, Benthamism was far the most definite logical, and consistent; yet none suffered such crushing occasional reverses even at the height of its power. It is only necessary to recall the Truck Act of 1831, whose date hardly receives sufficient notice from Professor Dicey, the Ten Hour Act of 1847, or the Adulteration Act of 1860. Thorough-going individualism as its friends say, and amongst them is Professor Dicey, has never had a fair trial; as its enemies

might reply, it proved a monster that had only to be seen to be hated. It has indeed accomplished far less in respect of positive legislation than in the field of private action and opinion falling outside the purview of these lectures.

Perhaps the most interesting modification to the broad division of periods, is the generalization that in England legislation must in the nature of things be twenty or thirty and judicial decision forty to fifty years behind the most enlightened opinion of the age. Legislators of fifty and judges of sixty to eighty will always apply to the problems before them the convictions acquired in far off impressionable adolescence. Professor Dicey indicates, but hardly discusses sufficiently, the very interesting action and re-action to which the difference of interval for the two English law making bodies—Parliament and Judiciary—gives rise. The history of trade union law, for instance, falls into regular periods of legislative action—judicial re-action stimulating Parliament into activity again.

To Professor Dicey's method there are of course obvious limitations. He has to disregard all public opinion which cannot affect legislation and much collective action which substantially if not technically, alters the rules by which men live.

The Trade Union legislation, which is his main ground for dating collectivism in 1870, in no way represents a revolution of opinion. It is not even fully explained, as Professor Dicey explains it, as marking the transference of power from classes holding one opinion to classes holding another *opinion*. The legislation recognized rather than initiated collectivism in the bargaining for wages; the development of continuous trade union organization, none the less collective for being outside the state, dates from 1850, not from 1870. These and kindred facts Professor Dicey, taking a strictly legal view of what amounts to legislation, has to disregard.

In consequence of this limited view he perhaps underestimates the applicability in substance of his method to other times or other countries. But no one will quarrel with Professor Dicey for concentrating attention in this fascinating book upon the legal system which he knows best, and upon the interesting immediate past from which we all hope to foretell the yet more interesting immediate future.

CARDIFF.

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